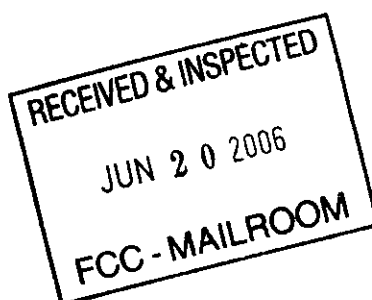


System: 165.135.210.45 sec fax,sec, 4181087 --- Time Printed: 06-21-2006 09:50:34

From: 5203933203  
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## TUCSON ACADEMY OF LEADERSHIP AND ARTS

## FACSIMILE TRANSMITTAL SHEET

TO:	FCC APPEALS, Docket CC 02-6	FROM:	Theresa DiPietro, Tucson Academy
COMPANY:	FCC	DATE:	6/20/2006
FAX NUMBER:	202-418-0187	TOTAL NO. OF PAGES INCLUDING COVER:	8
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	Billed Entity Number 220368
RE:	Request for Review, USAC SLD	YOUR REFERENCE NUMBER:	Form 470 # 192460000539704

☒ URGENT    ☒ FOR REVIEW    ☒ PLEASE COMMENT    ☒ PLEASE REPLY    ☐ PLEASE RECYCLE

## NOTES/COMMENTS:

Please accept this cover and attached documents as an official request for review under Docket CC 02-6 to be filed as an appeal for Funding Requests 1343996, 1344114, 1344144, 1344186, 1344220 which were denied funding by Schools and Libraries due to non-certification of Form 470 # 192460000539704. The above referenced form was certified and mailed to USAC SLD on January 20<sup>th</sup>, 2005, though noted by USAC as having not been received.

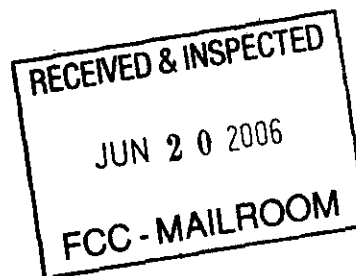
An appeal was filed with Schools and Libraries though denied due to taking more than seven calendar days to receive the requested documents. Included in this fax are copies of correspondence with USAC and supporting documents showing the certification (Block 5) was sent on January 20<sup>th</sup>, 2005.

The denial of funding requests due to a simple clerical error would greatly impact our schools ability to provide technology services to students, and maintain normal operating procedures within our entity. We request that you please review the included documentation and comment on the appeal with consideration for FCC's Order 06-54 in regards to USAC appeals.

Sincerely,

Theresa M. DiPietro

Administrator



210 E BROADWAY - TUCSON, AZ - 85701

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List A B C D E

**Tucson Academy of Leadership & Arts**

210 East Broadway Boulevard, Tucson, Arizona 85701

Tel. 520-882-9144

FAX 520-792-0668

Email global@dakotacom.net

RECEIVED &amp; INSPECTED

JUN 20 2006

FCC - MAILROOM

Re: E-RATE APP# 484783

Dear Kate Song,

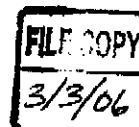
In response to your request for proof of certification for Funding Year 2005's Form 470 (#192460000539704), we have included a copy of postmark from the US Postal Service for the documents which were mailed via Priority Mail on January 20, 2005 at 3:17pm. In addition, we have included an additional copy of Form 470's Block 5 - Signature.

Unfortunately due to a misplacement of files, the above was not located until today, realizing that it was requested in February, please advise if we need to send the above referenced materials to the Appeals Department, or if we can continue to work directly with you to finalize our funding requests.

Thank you for your time and efforts. As a non-profit school my staff and myself appreciate the services you provide for bettering education.

Sincerely,

Theresa M. DiPietro  
Administrator



FCC Form

470

Do not write in this area.

FILE COPY

1/20/2005

Approval by OMB  
3060-0806

Entity Number 220368 Applicant's Form Identifier FY2005-06  
 Contact Person Theresa DiPietro Contact Telephone Number (520) 882-9144

**Block 5: Certification and Signature**

- 19 The applicant includes: (Check one or both.)  
 a ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or  
 b libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).
- 20 All of the individual schools, libraries, and library consortia receiving services under this application are covered by:  
 a ☒ individual technology plans for using the services requested in the application; and/or  
 b higher-level technology plans for using the services requested in the application; or  
 c no technology plan needed; application requests basic local and/or long distance telephone service only.
- 21 Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):  
 a ☒ technology plan(s) has/have been approved by a state or other authorized body.  
 b technology plan(s) will be approved by a state or other authorized body.  
 c no technology plan needed; application requests basic local and/or long distance telephone service only.
- 22 I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
- 23 I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.
- 24 I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25 Signature of authorized person Theresa M. DiPietro, M.Ed. 26 Date 01202005

27 Printed name of authorized person T h e r e s a   D i P i e t r o

28 Title or position of authorized person A d m i n i s t r a t o r

29a Street Address, P.O. Box, or Route Number  
2 1 0   E   B r o a d w a y   B l v d

City  
T u c s o n

State Zip Code  
A Z                      8 5 7 0 1

29b Telephone number of authorized person 5 2 0   8 8 2   9 1 4 4

29c Fax number of authorized person

29d E-mail address of authorized person g l o b a l @ d a k o t a c o m . n e t

RECEIVED & INSPECTED  
JUN 20 2006  
FCC - MAILROOM

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role in Assisting Customers" at [www.sl.universalservice.org/vendor/manual/chapter5.doc](http://www.sl.universalservice.org/vendor/manual/chapter5.doc) or call the Client Service Bureau at 1-888-203-8100.



0 4 7 0 0 1 1 1 0 3

Entity Number	220368	Applicant's Form Identifier	FY2005-06
Contact Person	Theresa DiPietro	Contact Telephone Number	(520) 882-9144

**Block 5: Certification and Signature (Continued)**

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

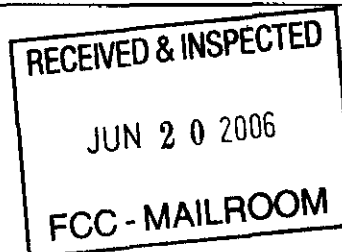
If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 470  
P.O. Box 7026  
Lawrence, Kansas 66044-7026  
1-888-203-8100



For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD-Form 470  
c/o Ms. Smith  
3833 Greenway Drive  
Lawrence, Kansas 66046  
1-888-203-8100



USAC/SLD FORM 470  
1/20/2005 3:17pm  
Rincon Post Office

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4. Affix Priority Mail postage to your label or take to a Post Office™.
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6. Mail your package on the "Ship Date" you selected when creating this label.

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Ship Date: 01/20/2005

Weight: 0 lb 4 oz

Priority Mail service

Total:

**\$3.85**

**From:** THERESA DIPIETRO  
TUCSON ACADEMY OF LEADERSHIP AND ARTS  
210 E BROADWAYS BLVD  
TUCSON, AZ 85701

**To:** SLD-FORM 470  
USAC SLD FORMS  
PO BOX 7026  
LAWRENCE KS 66044-7026

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Universal Service Administrative Company  
Schools & Libraries Division

Keen  
3/10/06

### Administrator's Appeal Acknowledgement Letter

March 7, 2006

Theresa M. DiPietro  
Tuscon Academy of Leadership & Arts  
210 East Broadway Boulevard  
Tucson, AZ 85701

Theresa M. DiPietro:

The Schools and Libraries Division of the Universal Service Administrative Company has received your correspondence dated March 3, 2006, on March 3, 2006, regarding the **FY2005** funding decision of your Form 471 Application Number(s) **484783**.

These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the Program Integrity Assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. A Revised Funding Commitment Decision Letter will follow for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the SLD and/or the Federal Communications Commission.

We will perform an in-depth review of your appeal. Our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your appeal with the care and attention it deserves.

Schools and Libraries Division  
Universal Service Administrative Company

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100 South Jefferson Road, P.O. Box 902, Whippany, New Jersey 07981  
Visit us online at: <http://www.universalservice.org/sl/>

drg\mydocs\acknowledgementletter.doc



Universal Service Administrative Company  
Schools & Libraries Division

**Administrator's Decision on Appeal - Funding Year 2005-2006**

April 20, 2006

Theresa M. DiPietro  
Tuscon Academy of Leadership & Arts  
210 East Broadway Boulevard  
Tuscon, AZ 85701

Re: Applicant Name: TUSCON ACADEMY OF ARTS AND LEADERSHIP  
Billed Entity Number: 220368  
Form 471 Application Number: 484783  
Funding Request Number(s): 1343996, 1344114, 1344144, 1344186, 1344220  
Your Correspondence Dated: March 03, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1343996, 1344114, 1344144, 1344186, 1344220  
Decision on Appeal: Denied  
Explanation:

- You are appealing SLD's decision to deny the funding requests because the referenced Form 470 (application number 192460000539704) was not certified. You state that the files were misplaced. You include a copy of the postmark from the US Postal Service to show that the Form 470 was mailed on January 20, 2005. You have also included a copy of the Form 470 signature page.
- Upon thorough review of the appeal letter and the relevant documentation, the SLD has determined that you failed to respond to the Program Integrity Assurance (PIA) inquiries in a timely manner. PIA made initial contact with you on January 26, 2006, via e-mail, requesting you to verify the establishing Form 470 and/or provide proof that the Form 470 was certified within 7-days. You did not respond



to the initial 7 days. PIA initiated a second request on February 6, 2006, via e-mail requesting you to provide the same information within 7 days. As of February 14, 2006, you failed to provide a complete response to PIA. On appeal, you provide supporting documentation to prove that the Form 470 was certified. However, program rules do not permit the SLD to accept new information on appeal excepts where an applicant was not given an opportunity to provide the information during the initial review or an error was made by SLD. You have failed to provide evidence on appeal that SLD erred in its original decision. Consequently, the appeal is denied.

- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. See 47 C.F.R. § 54.500 *et. seq.* To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. See *Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd. 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (Marshall County) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. *Id.*; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," [www.sl.universalservice.org/reference/deadline.asp](http://www.sl.universalservice.org/reference/deadline.asp). This procedure is necessary to prevent undue delays during the application review process. See *Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. See *Request for Review by Alpine County Unified School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶ 5 (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification. If the Form 470 Certification is not postmarked by the final date of the filing window, that Form 470 cannot be used to establish the competitive bidding process for any funding requests that cite that Form 470.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.